

37026576v.1

SEYFARTH  
SHAW

The Honorable Loretta A. Preska, Chief Judge  
February 7, 2017  
Page 2

filed its Amended Answer to Complaint, Affirmative and Other Defenses, and Counterclaims. (ECF No. 71.)

On November 13, 2014, Chanel filed a motion for summary judgment, seeking the dismissal of Plaintiff's claims of discrimination and retaliation and the granting of Chanel's counterclaim for unjust enrichment. (ECF No. 51.) On July 14, 2015, Your Honor entered an Order of Judgment in the Litigation dismissing all of Plaintiff's claims and granting Chanel's counterclaim for unjust enrichment. (ECF No. 74.) On September 2, 2015, a Satisfaction of Judgment was entered in the Litigation confirming that Plaintiff fully paid the amount owed to Chanel as set forth in the July 14, 2015 Order of Judgment (ECF No. 75.)

We advised opposing counsel that Chanel was willing to drop its remaining counterclaims in exchange for the return of all hard copy and/or electronic documents relating to Chanel, including the privileged and confidential file and all copies. Plaintiff's counsel confirmed that his client had accepted Chanel's proposal in early 2016 and promised to secure the privileged files that his client had taken from the company. On September 28, 2016, Plaintiff's counsel confirmed that he had secured all of the originals and copies of the privileged and confidential file at issue. Chanel prepared a settlement agreement and, since November 8, 2016, has attempted unsuccessfully to obtain an executed copy or to secure the documents, including the privileged files, from Plaintiff's counsel. Unfortunately, rather than returning the files, opposing counsel became fully unresponsive as of December 12, 2016. Our office has repeatedly called and sent correspondence, and simply cannot get a response from opposing counsel about how and when the documents will be returned.

As a result, Chanel believes that it has no choice but to request a case management conference before Your Honor to set a discovery and motion schedule as to Chanel's remaining counterclaims. If Plaintiff's counsel abides by the earlier agreement to return Chanel's documents, including the privileged file, prior to the conference date, Chanel will stand by its agreement to drop the pending counterclaims.

Thank you for Your Honor's consideration of this request.

Respectfully submitted,

SEYFARTH SHAW LLP

*s/ Mary Ahrens Vadasz*

Mary Ahrens Vadasz

cc: Christopher Thompson, Esq. (via ECF)  
Lorie E. Almon, Esq.